

02/25/05 23-56420-01 358591

PATENT  
Attorney Reference Number 23-56420-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Douglas C. Elliott

**Application No.** 09/851,678

**Filed:** May 8, 2001

**Confirmation No.** 3245

**For:** PROCESS FOR LACTOSE CONVERSION TO  
POLYOLS

**Examiner:** Elvis O. Price

**Art Unit:** 1621

**Attorney Reference No.** 23-56420-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP ISSUE FEE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney  
for Applicant(s)

*Wayne Rupert*

Date Mailed February 25, 2005

MAIL STOP ISSUE FEE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

**Enclosed for filing in the above-referenced application are the following:**

- ☒ In connection with issuance of a patent:
  - ☒ Supplemental Declaration
  - ☒ Form PTOL-85b
- ☒ Communication Regarding Issue Fee Payment and Small Entity Status with attached Exhibits A - C.
- ☒ Issue Fee
- ☒ A check in the amount of \$60.00 to cover the above-listed fees.
- ☒ The Director is hereby authorized to charge any additional fees that may be required in connection with issuance of a patent, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

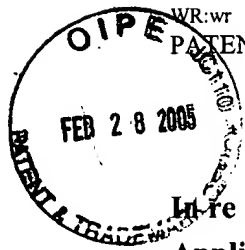
By

*Wayne Rupert*

Wayne Rupert  
Registration No. 34,420

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446

cc: Docketing



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Douglas C. Elliott

Application No. 09/851,678

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Attorney  
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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

COMMUNICATION REGARDING ISSUE FEE PAYMENT AND SMALL ENTITY  
STATUS

Applicant notes that Form PTOL-85 requires payment of a \$1370 issue fee. The issue fee was already paid in this application on October 21, 2002, but the application was withdrawn from issuance in order to file a Request for Continued Examination. Attached as Exhibit A is a copy of the February 7, 2003, grant of applicant's petition to withdraw the application from issuance. The petition grant states that the previously paid issue fee may be applied towards the issue fee required by a new Notice of Allowance. Applicant hereby requests that the previously paid issue fee be applied to the issue fee that is presently due.


Applicant also notes that Form PTOL-85 requires payment of a large entity issue fee. Attached hereto as Exhibit B is a copy of the original Transmittal Letter indicating that small entity status was claimed for the above-identified patent application. Attached as Exhibit C is a copy of the filing receipt indicating that small entity status was recorded for applicant in the U.S. Patent and Trademark Office records for the application.

The undersigned is unaware of any further transfer of rights which would affect applicant's small entity status. Therefore, applicant should be entitled to pay small entity fees as evidenced by Exhibits A and B, and small entity status is reconfirmed and claimed.

Accordingly, enclosed herewith is a check for \$60.00 which takes into account the increase in the issue fee from \$640.00 to \$700.00 effective December 8, 2004.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Wayne Rupert  
Registration No. 34,420

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 228-9446



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 2023  
www.uspto.gov

Paper No.

KLARQUIST SPARKMAN CAMPBELL LEIGH  
AND WHINSTON, LLP  
121 SW SALMON STREET, SUITE 1600  
PORTLAND, OR 97204-2988

**COPY MAILED**

**FEB 07 2003**

**OFFICE OF PETITIONS**

In re Application of  
Douglas Charles Elliott  
Application No. 09/851,678  
Filed: May 8, 2001  
Attorney Docket No. 23-56420

ON PETITION

This is a decision on the petition, filed February 5, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

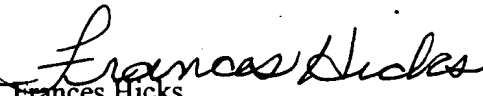
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on October 21, 2002 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to Irvin Dingle at (703) 306-5684.

Upon receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

**EXHIBIT**

tabbies

**A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

BEST AVAILABLE COPY

Transmitted herewith for filing is the patent application of:

Inventor(s): Douglas C. Elliott

For: PROCESS FOR LACTOSE CONVERSION TO POLYOLS

Enclosed are:

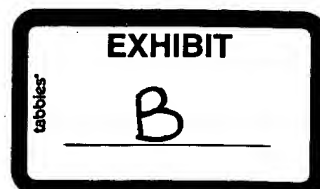
- ☒ 15 pages of specification, 7 pages of claims, an abstract and a Combined Declaration and Power of Attorney.
- ☒ An assignment of the invention to: Battelle Memorial Institute, a Recordation Cover Sheet, and the Recordal fee of \$40.00.
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449 and copies of documents listed thereon.

CLAIMS AS FILED					
For	Claims Filed	Number Free	Number Extra	Rate	Basic Fee \$355.00
Total Claims	45	20	= 25	\$9.00	\$ 225.00
Independent Claims	6	3	= 3	\$40.00	\$ 120.00
Multiple Dependent Claim Fee				\$135.00	\$0.00
TOTAL FILING FEE					\$700.00

- ☒ Assignee for this application is or will be Battelle Memorial Institute, and applicant requests that this information be listed on the published application.
- ☒ Small entity status is claimed for this application.
- ☒ A check in the amount of \$740.00 to cover ☒ filing fee and ☒ assignment recordal fee is enclosed.

EL754019928US

TRANSMITTAL - Page 1 of 2



- ☒ The Director is hereby authorized to charge any additional fees that may be required in connection with the filing of this application and recording any assignment filed herewith, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP

BEST AVAILABLE COPY

By Wayne W. Rupert  
Wayne W. Rupert  
Registration No. 34,420

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/851,678	05/08/2001	1621	700	23-56420		45	6

CONFIRMATION NO. 3245

## FILING RECEIPT



\*OC000000006270711\*

KLARQUIST SPARKMAN CAMPBELL LEIGH  
AND WHINSTON, LLP  
121 SW Salmon Street, Suite 1600  
Portland, OR 97204-2988

BEST AVAILABLE COPY

Date Mailed: 07/09/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Douglas Charles Elliott, Richland, WA;

## Assignment For Published Patent Application

Battelle Memorial Institute;

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted 07/07/2001

Projected Publication Date: 11/14/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Process for lactose conversion to polyols

## Preliminary Class



568

Data entry by : NGUYEN, TRAC

Team : OIPE

Date: 07/09/2001





**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231